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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,336	03/10/2004	Larry A. Wilson	71,024-528	4303

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EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,336

Applicant(s)

WILSON, LARRY A.

Examiner

Gary K. Graham

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29 is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☒ Claim(s) 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knights (US patent 4,339,839).

The patent to Knights discloses the invention substantially as is claimed. Note figures 5 and 6 which show an embodiment wherein frame member (110) has a closed upper channel defined between cross members (114,124) and an open bottom channel (118). A wiper blade having a crown, neck and body is fitted into said open channel with said neck extending through a slot defined by the open channel. Fluid can be feed through an inlet into the closed channel and exited through openings (156) in the cross member (124). Knights also discloses embodiments (figures 1-4) wherein the frame member (10) is made of extruded aluminum.

The patent to Knights discloses all of the above with the exception of the figures 5, 6 embodiment being of rigid extruded aluminum.

While Knights discloses that the figures 5,6 embodiment is made of flexible plastics material to enable adaptation to curved surfaces, it appears obvious that the figure 5,6 embodiment could be made of extruded aluminum, as is suggested for the figures 1-4 embodiments, if such is to be used or is desired to be used to wipe a flat surface. Knights clearly suggests making the supporting frame member of a wiper blade of extruded aluminum when wiping a flat surface. Given such, it would have been obvious to one of skill in the art to make the frame of the figures 5, 6 embodiment of extruded aluminum to enable improved wiping of a flat surface as no contour following of a curved surface is needed.

With respect to claim 21, plug (134) is considered to stake a wall of the bottom channel to grip and fix the wiper element within said bottom channel. Note that the detent (138) of the plug penetrates the wall (114) and thus stakes the wall, in at least the broadest sense.

With respect to claim 24, note end plugs (134) which act to releasably maintain the wiper element in the bottom channel.

Response to Arguments

Applicant's arguments filed 13 July 2005 are noted and have been fully considered.

Applicant argues that it is improper to substitute an extruded metal frame for the extruded plastic frame described in Knights with respect to figures 5 and 6. Applicant further states that Knights has specifically contrasted the use of plastic and aluminum in a specific embodiment, as is the case with figures 5 and 6, and thus teaches away from the proposed interpretation by the Examiner. Such is not persuasive. As set forth above, while the figures 5 and 6 embodiment is disclosed by Knights as being of plastics, there is no prohibition on make such of metal. Knights makes the figures 5 and 6

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embodiment of plastics such that it can adapt to a curved surface. If the figures 5 and 6 wiper blade were desired to wipe a flat windshield, it would be desirable and entirely obvious to make such of the more rigid extruded aluminum. The figures 5 and 6 blade is not limited to only curved surface wiping. There does not appear to be anything structurally particular to the figures 5 and 6 blade or anything discussed by Knights that such is limited to curved surface wiping. Thus, while Knights discloses that the figures 5 and 6 blade is made of plastics, he does not teach away from making the figures 5 and 6 blade of extruded aluminum.

Applicant's arguments with respect to claim 21 are noted but not persuasive. As set forth above, the end plugs of Knights have portions or detents that penetrate the wall of the frame and are thus considered to stake the wall, at least as far as defined. Such staking does act to fix the wiper element within the bottom channel as claimed. Applicant sets forth that he teaches either staking or end plugs. While such may be true, Knights teaches end plugs that include staking, which appears to meet the claims. Claim 21 does not appear to required side wall deformation of the frame.

Allowable Subject Matter

Claims 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 27-29 are allowed.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary K. Graham', with a long horizontal line extending from the end of the signature.

Gary K Graham
Primary Examiner
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